

**U.S. House of Representatives**  
**Committee on the Judiciary**

Washington, DC 20515-6216

One Hundred Ninth Congress

January 19, 2004

The Honorable F. James Sensenbrenner  
Chairman  
Committee on the Judiciary  
2138 Rayburn House Office Building  
Washington, DC 20515

Dear Mr. Chairman:

We write to you at the very outset of the 109<sup>th</sup> Congress, to request that our committee hold hearings and investigate the vital issue of protecting our citizens right to vote. The right to vote is the very foundation of our Democracy and is at the core of our Committee's jurisdiction, and we can think of no more important or urgent issue before us than protecting our democratic rights. While the election is settled, however, our job as legislators on the Judiciary Committee to make sure that the constitutional right to vote is protected is just beginning.

In congressional forums many of us participated in Washington D.C. and Columbus, Ohio, we learned of significant voter irregularities in Ohio. These irregularities are included in a 100 page report Mr. Conyers issued, and include the following:

- The misallocation of voting machines led to lines of ten hours or more that disenfranchised scores if not hundreds of thousands of predominantly minority and Democratic voters. In Franklin County, 27 of the 30 wards with the most machines per registered voter showed majorities for Bush, while six of the seven wards with the fewest machines delivered large margins for Kerry.<sup>1</sup>
- The Ohio Republican Party's decision to engage in preelection "caging" tactics,

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<sup>1</sup>Michael Powell & Peter Slevin, *Several Factors Contributed to 'Lost' Voters in Ohio*, WASH. POST, Dec. 15, 2004.

selectively targeting 35,000 predominantly minority voters for intimidation had a negative impact on voter turnout. The Third Circuit found these activities to be illegal and in direct violation of consent decrees barring the targeting minority voters for poll challenges.<sup>2</sup>

- The Ohio Republican Party's decision to utilize thousands of partisan challengers concentrated in minority and Democratic areas disenfranchised numerous legal voters, who were not only intimidated, but became discouraged by the long lines in the adverse weather. Shockingly, these disruptions were publicly predicted by Republican officials: Mark Weaver, a lawyer for the Ohio Republican Party, admitted the challenges "can't help but create chaos, longer lines and frustration."<sup>3</sup>
- Numerous instances of intimidation and misinformation occurred across the state of Ohio that would appear to violate the Voting Rights Act. For example, the NAACP stated that it received over 200 calls regarding incidents of suspected voter intimidation or unusual election related activities, particularly actions taken by challengers who intimidated poll workers and voters. Other specific incidents involved a caller who reported that someone was going door-to-door telling people they were not registered to vote. A voter in Franklin County received information in the mail identified as being from the state that said he would have to vote by provisional ballot because he had moved; in fact, the voter had not moved and had lived at the address for 10-15 years. One polling place worker was reportedly only asking African American voters for their address.<sup>4</sup>
- In Franklin County, a worker at the Holiday Inn observed a team of 25 people who called themselves the "Texas Strike Force" using payphones to make intimidating calls to likely voters, targeting people recently in the prison system. The "Texas Strike Force" members hotel accommodations were apparently paid for by the Ohio Republican Party, whose headquarters is across the street. The hotel worker heard one caller threaten a likely voter with being reported to the FBI and returning to jail if he voted. Another hotel worker

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<sup>2</sup>DNC v. RNC, No. 04-4186, slip. op. (3d Cir. 2004).

<sup>3</sup>James Dao, *GOP Bid to Contest Registrations is Blocked*, N.Y. TIMES, Oct. 28, 2004, at A25 (quoting Mark R. Weaver).

<sup>4</sup>*Preserving Democracy - What Went Wrong in Ohio*, Judiciary Democratic Forum, (Dec. 8, 2004) (statement of Hilary Shelton, Director, Washington Bureau, National Association for the Advancement of Colored People).

called the police, who came but did nothing.<sup>5</sup> There were also reports of phone calls incorrectly informing voters that their polling place had changed.<sup>6</sup>

- The *Cleveland Plain Dealer* found that several Lake County residents received an official-looking letter on Board of Elections letterhead informing them that their polling place had changed or that they were not properly registered to vote.<sup>7</sup> A fake voter bulletin from Franklin County Board of Elections was posted at polling locations, and fliers were distributed in the inner city, telling Republicans to vote on Tuesday and Democrats to vote on Wednesday due to unexpected heavy voter registration.<sup>8</sup>
- In Cleveland, the *Washington Post* reported that unknown volunteers began showing up at voters' doors illegally offering to collect and deliver complete absentee ballots to the election office.<sup>9</sup> The Election Protection Coalition testified that in Franklin County, voters received fliers informing them that they could cast a ballot on November 3.<sup>10</sup> Also, in Franklin County there were reports that about a dozen voters were contacted by someone claiming to be from the county board of elections, telling them their voting location was changed,<sup>11</sup> and "door-hangers" telling African-American voters to go to the wrong precinct were distributed.<sup>12</sup>

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<sup>5</sup>*Judiciary Democratic 2004 Election Forum* (Dec. 13, 2004) (statement of Prof. Robert Fittrakis); Bob Fittrakis *et al.*, *Startling New Revelations Highlight Rare Congressional Hearings on Ohio Vote*, THE FREE PRESS, Dec. 13, 2004.

<sup>6</sup>Jo Becker & David Finkel, *Now They're Registered, Now They're Not*, WASH. POST, Oct. 31, 2004, at A22.

<sup>7</sup>Grant Segall, *Voters Told to Ignore Hoax*, THE PLAIN DEALER, Oct. 29, 2004.

<sup>8</sup>Bob Fittrakis, *None Dare Call it Voter Suppression*, THE FREE PRESS, Nov. 7, 2004.

<sup>9</sup>See Becker & Finkel, *supra*.

<sup>10</sup>See *Judiciary Democratic Forum* (Dec. 8, 2004) (statement of Jon Greenbaum, Director, the Voting Rights Project).

<sup>11</sup>See *Judiciary Democratic 2004 Election Forum* (Dec. 13, 2004) (statement of Prof. Robert Fittrakis, Editor, The Free Press).

<sup>12</sup>E-mail from Cincinnati-area election volunteer, on file with the House Judiciary Committee Democratic Staff.

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In our view, this course of events is not consistent with the right to vote as we understand it. The fact that many of these instances appear to be focused particularly on minority voters is all the more disheartening, and triggers even more clearly our jurisdiction involving civil rights.

We look forward to full and open hearings concerning these instances of disenfranchisement in Ohio and around the Nation. We very much would like to work with you and your staff to insure that allegations of improprieties by both Democrats and Republicans are looked into and considered.

Sincerely,

John Conyers

Gerard Nader

Marian Waters

Monty Head

Robert Wechs

Phil L...

Zoe L...

Art B. Self

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